

RUSH TOWN BOARD

April 13, 2016

A regular meeting of the Rush Town Board, County of Monroe, was called to order by Supervisor Cathleen Frank at 7:00 PM on April 13, 2016 at the Rush Town Hall, 5977 East Henrietta Road, Rush, New York. Everyone present participated in the Pledge of Allegiance.

PRESENT: Cathleen Frank	-----	Supervisor
Rita McCarthy	-----	Councilperson, Deputy Town Supervisor
Jillian Coffey	-----	Councilperson
Daniel Woolaver	-----	Councilperson
Gerald Kusse	-----	Councilperson
Pamela Bucci	-----	Town Clerk
John Mancuso, Esq.	-----	Attorney for the Town

OTHERS PRESENT:

Al Sweet	-----	Resident
Cecil Palmer	-----	Resident
Mark David	-----	Resident, Highway Superintendent
Richard Andrews	-----	Resident
Carol Barnett	-----	Resident
Phyllis Wickerham	-----	Resident
Bruce Howlett	-----	Invitee

I. PUBLIC COMMENT

Supervisor Frank opened the floor inviting anyone wishing to address the Town Board to come forward. All those speaking were asked to state their name and address for record keeping purposes.

No comment from the audience.

II. APPROVAL OF MINUTES

**RESOLUTION #96-2016**

Councilperson McCarthy moved to approve the March 23, 2016 Town Board Meeting Minutes as written by Town Clerk Bucci. Councilperson Woolaver seconded the motion.

Roll:

Councilperson Woolaver		aye	
Councilperson McCarthy	aye		
Councilperson Coffey	aye		
Councilperson Kusse	aye		
Supervisor Frank	aye		carried.

III. TRANSFER OF FUND

There was no transfer of funds.

IV. APPROVAL OF ABSTRACT

Councilperson McCarthy moved, having audited all the claims against the funds listed on Abstract of April 13, 2016 for vouchers 2016 #315 through #385, excluding 351, 353, 359 and 376 and that they be allowed for payment in the amount of \$43,947.83. Councilperson Woolaver seconded the motion.

Roll:

Councilperson Woolaver	aye	
Councilperson McCarthy	aye	
Councilperson Coffey	aye	
Councilperson Kusse	aye	
Supervisor Frank	aye	carried.

#### V. REPORTS OF OFFICERS AND COMMITTEES

Councilperson Woolaver offered the following:

- Zoning Citizens Committee members met; reviewed and agreed with all attorney comments.

Attorney Mancuso recommended that the comments be submitted to the Town Board, any concerns be addressed, and a draft of the revisions be prepared for the purpose of adopting a local law. A public hearing would then be scheduled.

Supervisor Frank will forward the Zoning Citizen Committee comments to the Town Board for review.

- Attended the Conservation Board meeting.
- Highland Contractors final invoice for library roof received. Downspouts were also repositioned as suggested.

Councilperson McCarthy offered the following:

- No report.

Councilperson Coffey offered the following:

- No report.

Councilperson Kusse offered the following:

- No report.

Highway Superintendent David offered the following:

- Attended Advocacy Day in Albany. C.H.I.P.S. monies returned to its original layout of approximately \$48,000 to Rush. Extreme winter relief has been moved to PAVE NY. Rush has approximately \$4,000 more in funds than last year.

Town Attorney offered the following:

- No report.

Town Clerk Bucci offered the following:

- March monthly report was submitted to Supervisor Frank with two checks, \$11,405.31 for revenues; \$300.00 for single family builds. Monthly checks were also submitted to NYS Agricultural and Markets and swiped by NYSDEC.

Supervisor Frank offered the following:

- Monroe County has scheduled an Emergency Preparedness Day for town officials, April 20<sup>th</sup> at the Public Safety Building, Scottsville Road. A copy of the invitation was forwarded to all Board members. Rush's Emergency Preparedness Coordinator Rick Tracy will be attending.
- Bruce Howlett has submitted a proposed Silviculture Project Land Contract in regard to the Rush Riverside Refuge property. It was distributed to the Town Board. Supervisor Frank asked the Board for comments or questions.

Councilperson Kusse stated that he is in support of Bruce Howlett's project proposal.

Supervisor Frank stated that the current Mulligan lease of land at Riverside Refuge, located at Rush Scottsville Road ends in 2017. The Board will review the proposal and the current lease in order to make a determination.

Bruce Howlett stated that the proposal includes a reduction in rent due to a trend in agricultural dropping rates before the cost of production. The project is not a consideration in dropping the rent. Trees to be planted as part of the proposal take approximately seven years in order to establish themselves.

## VI. **OLD BUSINESS**

A. Status Update on Rush Associates, LLC re-zoning of 7262 West Henrietta Road, Rush - Supervisor Frank stated the FEIS (Final Environmental Impact Statement) has been submitted to the Town by Landtech and is being reviewed by the town engineer. Once those comments are received, a timeframe for moving forward will be established.

Supervisor Frank added that an extension of time is in order.

Attorney Mancuso noted that under the SEQRA regulations, an extension of 45 days of the public hearing or 60 days of the filing of the FEIS, whichever is later is acceptable. April 11, 2016 was the cut-off date however, having just received the FEIS, special circumstances of extending the period of review is permitted so that all comments can be received. A resolution is required to extend and file the FEIS is in order.

**RESOLUTION #97-2016**  
**SEQRA EXTENSION RESOLUTION**

Councilperson McCarthy moved,

WHEREAS, on November 13, 2013, the Town Board of the Town of Rush (the "Town Board") accepted an application from Rush Associates, LLC to rezone 5.8 acres of an approximately 25 acre parcel located at 7262 West Henrietta Road, Town of Rush from residential (R-30) to commercial (C) (the "Petition"); and

WHEREAS, the Petition is subject to an environmental impact assessment pursuant to the New York State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law and its implementing regulations at 6 NYCRR Part 617 (collectively referred to as "SEQRA"); and

WHEREAS, on November 27, 2013 the Town Board declared itself Lead Agency in order to complete a coordinated review of the Petition pursuant to SEQRA; and

WHEREAS, on July 23, 2014, the Town Board issued a Positive Declaration for the Petition; and

WHEREAS, on January 13, 2016, the Town Board accepted a Draft Environmental Impact Statement ("DEIS") for the Petition; and

WHEREAS, both a thirty (30) day public comment period and public hearing were conducted for the DEIS; and

WHEREAS, on March 30, 2016, a Final Environmental Impact Statement ("FEIS") was submitted to the Town Board for review and filing.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE TOWN OF RUSH TOWN BOARD AS FOLLOWS:

Section 1. Pursuant to 6 NYCRR § 617.9(a)(5)(ii) of the SEQRA regulations, the Town Board determines that the time to prepare and file the FEIS shall be extended to May 11, 2016 in order to prepare the FEIS adequately.

Section 2. The Town Board further directs that notice of this resolution shall be filed and circulated to the extent required by any applicable ordinance, statute or regulation.

Section 3. This Resolution shall take effect immediately upon adoption.

Councilperson Woolaver seconded the motion.

Roll:

Councilperson Woolaver	aye	
Councilperson McCarthy	aye	
Councilperson Coffey	aye	
Councilperson Kusse	aye	
Supervisor Frank	aye	carried.

**RESOLUTION #98-2016**

7:15 PM - PUBLIC HEARING - Park District #1

Supervisor Frank moved to interrupt the meeting to conduct the Public Hearing as advertised and scheduled at 7:15 PM. All members in attendance were in favor of conducting the public hearing.

Supervisor Frank asked Town Clerk Bucci to read the public hearing notice.

For the record, Town Clerk Bucci read the legal notice in its entirety. Town Clerk Bucci stated that the Notice of Public Hearing was duly published on March 25, 2016, with the same being posted on the Town Clerk's bulletin board and the town website.

**NOTICE OF PUBLIC HEARING  
TO DISOLVE RUSH PARK DISTRICT #1- BIONDO SUBDIVISION  
TOWN OF RUSH**

PLEASE TAKE NOTICE, a public hearing will be held by the Rush Town Board, at the Town of Rush, 5977 East Henrietta Road, Rush, New York, on the 13<sup>th</sup> day of April at 7:15 PM, local time, for the purpose of dissolving a 5.5 acres Park District located within the Biondo Subdivision.

Copies of this proposed change is available for inspection at the Town Clerk's office during normal business hours.

At such hearing any person may be heard in favor of or against the dissolution at the above time and date.

Supervisor Frank opened public hearing to the floor.

Resident Phyllis Wickham commented that she favored the dissolution, however, had concern about the infrastructure within the 25 acres and the storm drainage from the road that empties into that designated area. The storm drain is wide open and is a safety concern.

Highway Superintendent Mark David stated that the property was never town-owned and the current property owner should be advised of the open storm drain. The open drain issue falls under the NYSDEC.

Supervisor Frank stated that Park District #1 has been a line item of the town budget for the past 30 years. The money is allocated to the 5 acres of the Biondo Subdivision which was designated as a town park in Phase III but the park never developed. The \$3,000.00 fund can be transferred to a recreation reserve fund to be used for recreation park purposes.

**RESOLUTION #99-2016**

There being no further comments, Supervisor Frank moved to close the public hearing at 7:21 PM and return to the regular meeting. All voting members were in agreement.

**RESOLUTION #100-2016**

**RESOLUTION OF THE TOWN BOARD  
OF THE TOWN OF RUSH REGARDING  
DISSOLUTION OF PARK DISTRICT**

WHEREAS, The Town Board of the Town of Rush (the "Town Board") wishes to consider dissolving "Rush Park district #1 - Biondo Subdivision," consisting of 5.5 acres located within the Biondo Subdivision 9th "Park District"); and

WHEREAS, a public hearing was held on April 13, 2016, in accordance with the requirements of Section 202-C of the New York Town Law, and notice was posted as required by law; and

WHEREAS, all persons at the hearing desiring to speak on the matter were heard, all correspondence on the matter was read and these statements were considered by the Town Board; and

WHEREAS, (1) three years have elapsed since the establishment of the Park district; (2) no improvements have been constructed or service provided for the Park district at any time since its establishment; and (3) there is no outstanding indebtedness associated with the Park District.

NOW, THEREFORE, upon due consideration by the Town Board of dissolving the park District it is hereby RESOLVED as follows:

1. The Park District is hereby dissolved, and any remaining monies of the Park district hereby become the property of the Town of Rush's and

2. The Finance Director is hereby directed to transfer any remaining monies of the Park District to the Recreation Reserve Fund.

Councilperson Woolaver seconded the motion.

Roll:

Councilperson Woolaver	aye	
Councilperson McCarthy	aye	
Councilperson Coffey	aye	
Councilperson Kusse	aye	
Supervisor Frank	aye	carried.

REGULAR MEETING CONTINUED:

**VII. NEW BUSINESS:**

A. Engineering Report recommendation to tear down garage at Rush Riverside Refuge - Supervisor Frank is in receipt of CHA Consulting, Inc. building evaluation which has been shared with the Town Board. All Board members are in agreement to demolish the wooden storage shed.

A demolition permit will be obtained and the Town Highway crew will demolish the storage shed.

**RESOLUTION #101-2016**

Councilperson McCarthy moved to authorize the Rush Highway Department to obtain a demolition permit and demolish the wooden storage shed located at the Rush Riverside Refuge, East River Road, Rush. Councilperson Woolaver seconded the motion.

Roll:

Councilperson Woolaver	aye	
Councilperson McCarthy	aye	
Councilperson Coffey	aye	
Councilperson Kusse	aye	
Supervisor Frank	aye	carried.

**VIII. PUBLIC COMMENT**

Resident Cecil Palmer is concerned about pesticides being used on the Rush Riverside Refuge property located at East River Road and alerting the public of the chemical use. He suggested that signs for no trespassing be staked around farmed areas. Town staff members should be trained on handling emergency calls regarding pesticide induced exposure.

Bruce Howlett commented that although most pesticides used today are natural based, signage for safety awareness is recommended. It is merely due diligence in alerting the public for a 24 hour period.

Supervisor Frank recommended that posted signs be again installed in areas where farming is taking place. Walking trails are available to the public.

Resident Carol Barnett asked if the Zoning Citizen's Committee report of March 31 meeting was forwarded to the Town Board and asked when the Recreational Agricultural Citizen's Committee (RACC) would be submitting their report to the Town Board. She stated that the RACC report should precede an agreement regarding the proposed Howlett Farms Silviculture project approval.

Councilperson Woolaver stated that the ZCC report was not forwarded to the Town Board.

Resident Carol Barnett voiced her disappointment in not submitting the ZCC report to the Board and if the RACC had been told that they were derelict.

Supervisor Frank responded that the RACC has been informed of their presentation schedule and their final report will be given in May. The RACC's purpose is to provide suggestions to the Town Board for the uses of the Rush Riverside Refuge property located at 6565 East Henrietta Road and the Division of Youth property located at 375 Rush Scottsville Road.

#### IX. ADJOURNMENT

There being no further business to conduct, the meeting was adjourned by Supervisor Frank at 7:35 PM. Meeting was adjourned by common consent.

Respectively submitted,

Pamela J. Bucci  
Town Clerk